

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIO EDWIN GOMEZ,

Petitioner,

v.

SAN QUENTIN STATE PRISON
WARDEN,

Respondent.

Case No. 22-cv-03741-VC

ORDER TO SHOW CAUSE

Petitioner Mario Edwin Gomez is a state prisoner currently incarcerated at San Quentin State Prison. He has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. section 2254, challenging his conviction in the San Mateo County Superior Court. Gomez has submitted the filing fee.

It does not appear from the face of the petition that it is clearly without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk shall serve electronically a copy of this order upon the respondent and the respondent's attorney, the Attorney General of the State of California, at the following email address: SFAWTParalegals@doj.ca.gov. The Petition and the exhibits thereto are available via the Electronic Case Filing System for the Northern District of California. The Clerk also shall serve by mail a copy of this order on Gomez.

2. No later than sixty days from the date of this Order, the respondent shall file with this Court and serve upon Gomez an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. The respondent shall file with the Answer all portions of the state record that have been transcribed previously and are relevant to a determination of the issues presented by the petition. If Gomez wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and

serving it on the respondent within thirty days of his receipt of the Answer. If he does not do so, the petition will be deemed submitted and ready for decision on the date the Traverse is due.


3. No later than sixty days from the date of this Order, the respondent may file with this Court and serve upon Gomez a motion to dismiss on procedural grounds in lieu of an Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If the respondent files such a motion, Gomez shall file with the Court and serve on the respondent an opposition or statement of non-opposition to the motion within thirty days of receipt of the motion, and the respondent shall file with the Court and serve on Gomez a reply within fourteen days of receipt of an opposition.

4. It is Gomez's responsibility to prosecute this case. He must keep the Court informed of any change of address by filing a separate paper with the Clerk headed "Notice of Change of Address," and must comply with the Court's orders in a timely fashion. He also must serve on the respondent's counsel all communications with the Court by mailing a true copy of the document to the respondent's counsel.

5. Extensions of time are not favored, though reasonable extensions will be granted. Any motion for an extension of time must be filed no later than three days prior to the deadline sought to be extended.

IT IS SO ORDERED.

Dated: September 14, 2022



VINCE CHHABRIA
United States District Judge